

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
AT HARRISONBURG

UNITED STATES OF AMERICA

vs.

Don Francis SimonpietriPresent/Custody

Criminal Action: 5:10cr00025-001  
 Date: 9/7/2010  
 Judge: B. Waugh Crigler  
 Court Reporter: Jody Turner, FTR  
 Deputy Clerk: Jody Turner  
 Probation Off.: WR Good  
 Interpreter: N/A  
 Time in Court: 12:11 - 1:00 = 49 min  
 Type of Hrg: **INIT APPEARANCE**

**COUNSEL OF RECORD**

USA Attorney:

Ron Huber, AUSACase Agent: William Metcalf, ATFAtty for Deft:      /CJA      /Ret      /NoneAndrea Harris, AFPD

**WITNESSES**

1. William Metcalf, ATF1. Georgana Omdorff2.2.

**INITIAL APPEARANCE**

Indictment ☒ or Complaint      Arrest Date:              Warrant: Y/N Y or For Cause Y/N Y

X Adv. of Rights: Immediate Request for continuance by defendant:                                       
 Hearing cont'd to                                     

     Motion to Unseal by Govt      Motion to Unseal Granted      Denied     X Identity:Admitted ☒ Stipulated      Evidence taken      Probable Cause Found     X Counsel:Present ☒ Without Counsel      Counsel requested prior to Initial Appearance     Fin Affidavit filed      Request granted for CJA      Deft to retain counsel     Hrg contd for deft to next app w/ counsel for IA      Bail      Dtn      Arrgn      Other          PrelimHrg: Waived Open Court      Prelim Held      PC Found Y/N Y HrgReq      Set for             X Conds/Release and/or Detention:Govt Mtn for Dtn made ☒ Opposed by Defts      Hrg set for                      onGovt Mtn for cont of detn hrg (up to 3 days)      Deft Mtn for cont/det hrg (up to 5 days)     Bond Set \$      Cash      10% Corp Surety      Property      Mtn/Dtn Granted     

Conditions of Release or Reasons for Detention:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> 1) no viol law | <input type="checkbox"/> 2) appear ct ... | <input type="checkbox"/> 3) remain residence |
| <input type="checkbox"/> 4) USPO supv   | <input type="checkbox"/> 5) no drugs      | <input type="checkbox"/> 6) urinalysis       |
| <input type="checkbox"/> 7) no guns     | <input type="checkbox"/> 8) no dogs       | <input type="checkbox"/> 9) remain WDVA      |
| <input type="checkbox"/> 10)            | <input type="checkbox"/> 11)              | <input type="checkbox"/> 12)                 |
| <input type="checkbox"/> 13)            | <input type="checkbox"/> 14)              | <input type="checkbox"/> 15)                 |

Advised as to penalties/sanctions in open court     ☒ DEFT TO NEXT APPEAR FOR trial      ON 11/9/2010 BEFORE JUDGE Conrad

**ORDERS FORTHCOMING:**

CJA 20      Bond      Temp Dtn      Dtn Pending Trial ☒ Notice      Other

Defendant can't write very well.

Defendant informed of charges and maximum sentence that may be imposed.

Court determines financial status in open court.

Government does not think he is qualified for court appointed counsel.

Court will appoint Ms. Harris as a provisional stand by counsel.

Arraignment:

Defendant pleads not guilty.

Government moves for detention.

Bond Hearing:

Government calls William Metcalf, ATF. Concern of suicide.

Cross by Defense.

Redirect by Government.

Court questions D. Bender, USMJ. Defendant is on suicide watch. Refused food, water & medical attention.

Cross by Government.

Cross by Defense.

Defense calls Georgana Orndorff.

Cross by Government.

Government argues for detention.

Defense argues for release.

Government argues.

Court finds that the defendant's behavior is a concern of the court.

Court will detain. When a home study is done and the defendant will cooperate with his own care the court will consider release.

Court would not think of anything less than \$250,000 corporate surety.

Defendant remanded to USM custody.

Indictment is unsealed.

1 - Judge; 2 - Defendant; 3 - Andrea Harris; 4 - Ron Huber; 5 - William Metcalf; 6 - D. Bender, USMJ; 7 - Orndorff;